

REMARKS

Applicants have amended the specification to correct a typographical error to add in the missing delta symbol “ Δ ” before “E”, have amended claims 1, 3-5, 7, 8, 10, 11, 22, 24-26, 28, 29, and 32, and have added claims 43-46 as set forth above. Applicants note with appreciation the Office’s indication that claims 3-8, 10, 11, 24-29 and 32 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has objected to claim 26 asserting that it is dependent from itself and assumes it is supposed to be dependent from claim 23. Applicants have rewritten claim 26 in independent form to correct this error in dependency. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this objection.

The Office has rejected claims 1, 9, 22 and 30-31 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5, 579,132 to Takahashi et al (Takahashi) and claims 2 and 23 under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of what the Office asserts is Applicant’s conceded prior art. Additionally, the Office has objected to claims 3-8, 10, 11, 24-29 and 32 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants have amended claim 1 to include the limitation of allowable dependent claims 6, amended claim 27 to include the allowable limitation of allowable dependent claim 27, have rewritten independent claims 3-5, 11, 24-26, and 32 in independent form including all of the limitations of the base claim and any intervening claims, and will be traversing below the rejections of claims 1 and 22 with new claims 43 and 44 (which are identical to original claims 1 and 22, respectively). Additionally, with these amendments claims 2, 7-10, 23, and 29-31 all now depend from an allowable independent claim. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw these rejections.

Neither Takahashi nor what the Office asserts is Applicant’s conceded prior art discloses or suggests, “determining an image quality value for the color imaging device

from the spectral sensitivity curves for the two or more of the multiple color channels in the color imaging device” as recited in claim 43 or “an image quality processing system that determines an image quality value for the color imaging device from the spectral sensitivity curves for the two or more of the multiple color channels in the color imaging device” as recited in claim 44.

The Office’s attention is respectfully directed to FIG. 3 and to col. 7, lines 33-39 which states, “The q factor of the basic negative having the spectral sensitivity shown in FIG. 3 is 0.94 in the red sensitive layer, 0.98 in the green sensitive layer, and 0.93 in the blue sensitive layer and is thus larger than 0.9 in each photosensitive layer” (Emphasis added). Accordingly, Takahashi only discloses individually determining if each color layer is above the 0.9 level. The problems with individually evaluating spectral sensitivity layers is discussed in the background on page 2, lines 18-29 in the above-identified patent application which states, “One quality factor, known as the Q -factor, for evaluating and designing spectral sensitivity functions is disclosed in H. E. J. Neugebauer, “Quality factor for filters whose spectral transmittances are different from color mixture curves, and its application to color photography,” J. Opt. Soc. Am. Vol. 46, No.10, pg. 821-824 (1956), which is herein incorporated by reference. A major disadvantage of the Q -factor is that it is designed to evaluate only single spectral sensitivities. Thus, it is easily possible to design an imaging device where all channels associate with high Q -factors, and still the system delivers color signals which cannot be used in creating high quality color reproductions. The trivial example of such a system is a three-channel device where all three channels are made with small deviations from the same spectral sensitivity signature. Although all three show high Q -factor, the result is a nearly monochrome image” (Emphasis added). Accordingly, Takahashi only discloses evaluating single spectral sensitivities and does not teach or suggest determining an image quality value from the spectral sensitivities of two or more color channels. Similarly, what the Office asserts is Applicant’s conceded prior art also does not disclose or suggest the claimed invention. Thus, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 43 and 44.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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